

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LARRY JOHN DAUENHAUER,

Defendant.

Cause No. CR 11-06-BLG-SPW

DANA MARIE DAUENHAUER and
LARRY CHRISTOPHER
DAUENHAUER,

Plaintiffs,

vs.

UNITED STATES OF AMERICA,

Defendant.

Cause No. CV 14-10-BLG-SPW

ORDER GRANTING PETITIONS AND MOTION
AND DISMISSING CIVIL CASE

On January 24, 2014, Larry Christopher Dauenhauer and Dana Marie Dauenhauer (“the Dauenhauers”) moved to stay final forfeiture of real property located at 1203 Lynn Avenue in Billings and to release the property to them. The

Dauenhauers are third parties claiming an interest in property subject to forfeiture in this criminal case against Defendant Larry John Dauenhauer (“Defendant Dauenhauer”), who was convicted of drug offenses and sentenced to life in prison on March 29, 2012. *See* Am. Judgment (Doc. 158) at 2. The Dauenhauers assert, and the United States agrees, they were not properly notified of the pending forfeiture. Consequently, an Order and an Amended Order of Forfeiture were entered without accounting for the fact that the Dauenhauers have an interest in the real property and the United States is entitled to forfeiture only of Defendant Dauenhauer’s 1/3 interest in the property.

On February 10, 2014, the Court granted the Dauenhauers’ motions to stay forfeiture proceedings and ordered the parties to jointly file a status report on May 12, 2014, advising of any progress toward settlement or identifying any issues requiring a ruling from the Court.

On February 14, 2014, the United States filed a fully executed settlement agreement whereby the Dauenhauers agreed to pay the United States \$16,500 in exchange for its release of any claim to Defendant Dauenhauer’s 1/3 interest in the real property. The parties agree that title to the property should be held in the same manner as before the forfeiture, viz., by Larry Dauenhauer, Larry C. Dauenhauer, and Dana M. Dauenhauer. Settlement Agreement (Doc. 183) at 3-4 ¶ 4, 4-5 ¶ 6. On

February 19, 2014, the United States filed notice that the Dauenhauers have paid the United States Marshals Service the agreed-upon sum of \$16,500. Notice (Doc. 185).

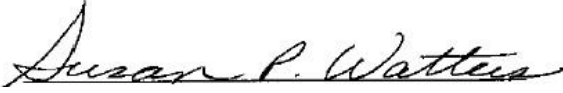
Accordingly, IT IS HEREBY ORDERED as follows:

1. The Dauenhauers' petitions (Docs. 175, 181) are GRANTED. Pursuant to Fed. R. Civ. P. 60(b), the Order and the Amended Order of Forfeiture (Docs. 125, 145) are VACATED. The deadline for a status report, *see* Order Granting Mots. to Stay (Doc. 182) at 3 ¶ 2, is VACATED.

2. The United States' motion (Doc. 184) for forfeiture of \$16,500, representing the value of the interest of Defendant Larry Dauenhauer in the real property at 1203 Lynn Avenue in Billings, Montana, after deducting the priority lien and estimated costs of sale, is GRANTED.

3. The Clerk shall close the civil file by entering judgment, by separate document, stating that the action is dismissed as settled.

DATED this 20th day of February, 2014.


SUSAN P. WATTERS
United States District Judge